

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN WISE,

Plaintiff,

v.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS, *et al*,

Defendants.

Case No. C05-5810FDB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings, plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On December 19, 2005, the clerk received plaintiff's complaint. (Dkt. #1). On December 22, 2005, the clerk sent a letter to plaintiff, informing him that he must either pay the \$250.00 court filing fee or a proper application to proceed *in forma pauperis*. (Dkt. #2). On January 19, 2006, plaintiff filed an application to proceed *in forma pauperis*. (Dkt. #5). However, pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified

1 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
2 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
3 obtained from the appropriate official of each prison at which the prisoner is or was
4 confined.

5 Plaintiff thus also is required to submit a statement showing the balance and activity of his account for the
6 six-month period immediately preceding the filing of his complaint. To date, plaintiff has not done so.

7 Accordingly, this Court orders the following:

- 8 (1) Plaintiff shall seek to cure this deficiency by filing **no later than March 3, 2005**, a copy of
9 his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the balance
10 and activity of his account for the six-month period immediately preceding the filing of his
11 complaint.

12 **Failure to cure this deficiency by the above date shall be deemed a failure to properly
13 prosecute this matter and the Court will recommend dismissal of this matter.**

- 14 (2) The Clerk is directed to send a copy of this Order to plaintiff.

15 DATED this 1st day of February, 2006.

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17 Karen L. Strombom
18 United States Magistrate Judge
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